THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20097 OF 1995

DATED: 23-01-2007

Between:

V. Chalapati Naidu

.. Petitioner

and

The Executive Officer, Tirumala Tirupati Devasthanams, Tirupati, Chittoor District, A.P.

.. Respondent

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.20097 OF 1995

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the respondent in not permitting the petitioner to join duty as contrary to Sections 25F, 25G, 25H and 25N of the Industrial Disputes Act (for short 'the Act'), in violation of principles of natural justice and contrary to G.O.Ms.No.296 dated 19-04-1988 and G.O.Ms.No.390 dated 06-05-1991; and in violation of Articles 14, 16 and 21 of the Constitution of India.

It appears, the petitioner joined the service of Tirumala Tirupathi Devasathanams with effect from 01-04-1979 and worked at the TTD Information Center, Madras from 01-04-1979 to 31-03-1980. Thereafter, he worked at TTD VVR Dharma Sala from June 1980 to 24-09-1980. He was again asked to work at TTD Information Center, Madras from 26-09-1980 to 18-10-1980 and again at TTD VVR Dharma Sala from November 1980 to 04-05-1981. It is his case that his services were terminated without any notice and the said act was contrary to Section 25 of the Act. Further, he is entitled for being considered for regular appointment as per G.O.Ms.No.296 dated 19-04-1988 and G.O.Ms.No.390 dated 06-05-1991. The respondents failed to act in accordance with the said G.Os. Hence this writ petition.

A detailed counter-affidavit has been filed by the sole

respondent. It is asserted that firstly the petitioner has no right to claim appointment and there is no violation of the provisions of the Industrial Disputes Act apart from the fact that the said Act has no application to TTD. Further it is stated that as per G.O.Ms.No.296, the persons who worked during the period from 01-01-1979 to 31-03-1984 and remained in service as on the date of issuance of the said G.O. i.e. on 19-04-1988 were alone considered for absorption. Further, as per G.O.Ms.No.390 dated 06-05-1991, the persons who were in service during the period from 01-04-1984 to 31-03-1988 and remained in service as on the date of issuance of the said G.O. i.e. on 06-05-1991 are alone considered for absorption. The petitioner did not work during any of the above said periods and dates. Therefore, his services could not be considered. Moreover, the petitioner has not completed 240 working days for the purpose of invoking the provisions of Section 25 of the Act.

Heard both sides.

Admittedly, the petitioner worked intermittently during the period from 01-04-1979 to 31-03-1980 at TTD Information Center and, thereafter, from June 1980 to 24-09-1980 at TTD VVR Dharma Sala, further from 26-09-1980 to 18-10-1980 at TTD Information Center and from November 1980 to 04-05-1981 at TTD VVR Dharma Sala. Thereafter, the petitioner did not continue in service. This itself shows that the petitioner worked intermittently for about one year between 1979-1980 and few months in the end of 1980 and four months during the year 1981. The petitioner was not in service thereafter.

The first G.O.Ms.No.296 contemplates that those who worked during 01-01-1979 to 31-03-1984 are entitled for regularization of the services. G.O.Ms.No.390 contemplates that the persons those who are in service during 01-04-1984 to 31-03-1988 are entitled for regularization. So far as the second G.O.Ms.No.390 is concerned, it is not applicable to the petitioner as he is admittedly not in service from 01-04-1984 to 31-03-1988. May be the petitioner was entitled for consideration as per G.O.Ms.No.296, but in that aspect also, the petitioner has no continuous service from 01-01-1979 to 31-03-1984. He had intermittent service during that period. Strictly speaking, he is also not entitled for consideration under the said G.O.Ms.No.296 dated 19-04-1988, though the respondent benevolently said that if the petitioner had continued in service as on the date of issuance of the G.O., his case would have been considered. Further, the petitioner was not in service even as on the date of issuance of the said G.O. Therefore, the petitioner has not made out any case calling for interference of this Court and for granting any relief in his favour. The writ petition is devoid of merits and is liable to be dismissed.

The writ petition is accordingly dismissed. There shall be no order as to costs.

C.V. RAMULU, J

23rd January 2007.
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